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December 14, 2007

From: David J. Lee

Matter No.: 414634

To:	Company:	Fax Number:	Phone Number:
USPTO Central Fax	U.S. Patent Office	(571) 273-8300	

Number of Pages Transmitted (including this cover sheet): 3

Message:

Appeal No.	2007-3938	Hearing Room	A
Applicant(s):	Larry M. Proctor.	Hearing Docket	A
Application No.:	09/773,303	Hearing Date	Wednesday, Jan. 16, 2008
		Hearing Time	9:00 AM

For FIELD BEAN CULTIVAR NAMED ENOLA

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Fax Attendant: Carol

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<b>CERTIFICATE OF FACSIMILE TRANSMISSION 37 CFR 1.8</b>			<b>Matter No.</b>
Applicant(s): Larry M. Proctor			414634
<b>Appeal No.</b> 2007-3938	<b>Filing Date</b> January 31, 2001	<b>Examiner</b> McElwain, Elizabeth F.	<b>Group Art Unit</b> 1638
<b>Application Serial No.</b> 09/773,303			
<b>Invention</b> <b>FIELD BEAN CULTIVAR NAMED ENOLA</b>			
<p>I hereby certify that the following:</p> <ol style="list-style-type: none"><li>1. Facsimile Cover Sheet (1 page);</li><li>2. Letter Waiving Hearing (1 page);</li></ol> <p>are being sent via facsimile transmission to the BPAI Hearings fax number. (571) 273-0299 Board of Patent Appeals and Interferences, USPTO, P.O. Box 1450, Alexandria, VA 22313-1450 and USPTO Central fax number. (571) 273-8300 USPTO Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this <u>14</u> day of December, 2007.</p> <p style="text-align: right;">_____ Carol Dunkel Name of Transmitter</p> <p style="text-align: right;"> Signature of Transmitter</p> <p style="text-align: center;">_____ (571) 273-0299 and (571) 273-8300 Facsimile No.</p>			

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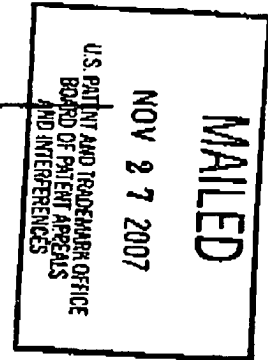
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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

LATHROP & GAGE, LC  
4845 PEARL EAST CIRCLE  
SUITE 300  
BOULDER, CO 80301

Appeal No: 2007-3938  
 Appellant: Larry M. Proctor  
 Application No: 09/773,303  
 Hearing Room: A  
 Hearing Docket: A  
 Hearing Date: Wednesday, January 16, 2008  
 Hearing Time: 9:00 AM  
 Location: Madison Building - East Wing  
 600 Dulany Street, 9th Floor  
 Alexandria, Virginia 22313-1450

### NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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Signature of Attorney/Agent/Appellant: [Signature] Date: 12/13/07 Registration No.: 41,935

Names of other visitors expected to accompany counsel: Shireen Marshall, Larry Proctor, Polly Proctor  
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